

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Unlicensed Operation in the TV Broadcast Bands) ET Docket 04-186
)

To: Secretary

Comments of WDLP Broadcasting Co., LLC

WDLP Broadcasting Company, LLC (“WDLP”),¹ respectfully submits these Comments in the referenced rulemaking proceeding.

The proposed rules would threaten the very existence of WDLP’s TV translators (TX’s) and its several LPTV facilities in South Florida.

The proposed rules would provide inadequate protection to TX’s from interference. Nearly half of the viewers of WDLP’s TV translators in the Florida keys reside in areas outside the 74 dBu contour of the TX facilities. Allowing unlicensed transmitters to operate in the spectrum just outside a TX’s protected (74 dBu) contour merely invites degradation of the TX’s signal in significant portions of its service area and, eventually, its economic viability.

More fundamentally, the proposed rules might preclude the very ability of some TX’s to operate at all. For example, some of WDLP’s TX’s in South Florida receive their input signals “off-air,” from distant stations. The re-broadcast of these signals is possible ONLY through the use of high-gain receiving systems with low-noise antenna amplifiers. The presence of any unlicensed transmitters just outside the TX’s protected 74 dBu contours -- which extend only a

¹ WDLP is the licensee of WDLP-TV/DT, Key West, FL, WDLP-CA, Miami, WGEN-LP, Miami and numerous TV translator facilities in the Florida keys.

few miles – will impede if not defeat the TX’s ability to receive the distant station’s off-air signal and, thus, effectively force the TX off the air. In Marathon, FL, WDLP’s three TX’s serve a community beyond the reach of any full-power television station. Section 307(b) of the Act requires the FCC to afford special protection from interference to TX’s in these circumstances.

WDLP urges the Commission to adopt only rules that will afford absolute and immediate protection for TX’s against any interference from unlicensed transmitters in any area where the TX is providing service. In short, any final rules that are adopted in this proceeding should protect not merely any TX within its 74 dBu “predicted” contour, or even within its 64 dBu service area,² but in any part of the TX’s service area (as determined by Longley-Rice calculations) where a viewable signal can be received.³ Procedurally, any final rules adopted in this proceeding must provide that the unlicensed operator shall cease operations within 24 hours after receiving a copy of any Complaint filed with the FCC against its unlicensed service by any television licensee; moreover, the unlicensed operator shall be allowed to recommence service only after an FCC decision on the Complaint is final. Furthermore, because “unlicensed” operators, by definition, have not previously been licensed by the FCC for the service in dispute, both the burden of going forward and the burden of proof in any Complaint proceeding before the FCC shall be placed on the unlicensed operator.

Finally, WDLP shares the concern of the National Translator Association that unlicensed transmissions on theoretically “vacant” channels poses a uniquely critical threat to DTV service that exceeds the threat that would exist if the FCC and Congress were not insistent on rapidly

² The NTA has observed that viable reception of TX’s and LPTV stations often occurs with UHF field strengths as low as 54 dBu.

³ The Commission’s rules recognize that “protected contours” methodology is fraught with imprecision. See 47 CFR 73.683 (true coverage may vary greatly because of terrain conditions). Should the FCC conclude to adopt a final rule that specifies some quantitative measurement, then a minimum of nothing greater than 54 dBu for UHF should be adopted.

and successfully completing the nation's transition to digital broadcasting. Even though the NPRM in this proceeding expressly concedes that a new source of TV interference is especially pernicious with respect to digital television,⁴ the proposed rules do not provide sufficient protection mechanisms. The signal of a digital TX or LPTV facility at the fringe of its service area will be, by the very nature of digital transmission, much more vulnerable to interference from unlicensed transmitters than comparable analog signals. Accordingly, the FCC should avoid adoption of any rules in this proceeding that not only fail to afford protection against interference in a TX's service area but also rules that effectively penalize licensees of TV translators and LPTV stations for their transition from analog to digital facilities – a process that could leave them more vulnerable to interference than they are at present as analog licensees.

Respectfully submitted,

Robert Lewis Thompson
SMITHWICK & BELENDIUK, PC
5028 Wisconsin Ave., NW #301
Washington, DC 20016
(202) 363-4050
rlt4fcc@erols.com

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⁴ Unlike analog television, digital transmissions that are subject to interference above the “cliff” simply go blank, freeze or pixelate. See NPRM at 8 (para. 15).